

# HOUSE BILL REPORT

## ESHB 2905

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### As Passed Legislature

**Title:** An act relating to modifying provisions for limited areas of more intensive rural development.

**Brief Description:** Modifying provisions for type 1 limited areas of more intensive rural development.

**Sponsors:** By House Committee on Local Government (originally sponsored by Representatives Hatfield and Jarrett).

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/29/04, 2/5/04 [DPS].

##### **Floor Activity:**

Passed House: 2/16/04, 93-0.

Passed Senate: 3/3/04, 46-0.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Modifies Growth Management Act provisions for the development and redevelopment of qualifying limited areas of more intensive rural development (LAMIRDs).

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Edwards, Ericksen, Mielke and Moeller.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Upthegrove.

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of

the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

#### Comprehensive Land Use Plans

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include certain elements, including land use, housing, transportation, and rural elements.

The rural element of a comprehensive plan must specify provisions for lands not designated for urban growth, agriculture, forest, or mineral resources. Such provisions include:

- allowing counties to consider local circumstances when establishing patterns of rural densities and uses;
- permitting specific development, varieties of densities, uses, essential public facilities, and rural government services;
- requiring measures governing rural development, including measures to protect an area's rural character; and
- permitting limited areas of more intensive rural development (LAMIRDs), including necessary public facilities and public services to serve limited areas.

#### Limited Areas of More Intensive Rural Development

Subject to GMA requirements, counties may permit three types of LAMIRDs providing for the following:

- rural development - allowing the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas;
- recreational and tourist uses - allowing intensification of development on lots containing, or new development of, small-scale recreational or tourists uses; and
- nonresidential/cottage industry - allowing intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

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#### **Summary of Engrossed Substitute Bill:**

Any development or redevelopment within the first type of limited areas of more intensive rural development (*i.e.*, rural development LAMIRDs) other than an industrial area or an industrial use within a mixed-use or industrial area, must be principally designed to serve the existing and projected rural population. Any development or redevelopment in terms of building size, scale, use, or intensity must be consistent with the character of the existing areas. Development or redevelopment may include changes in use from vacant land or a previously existing use if the new use conforms to specific requirements of the Growth Management Act.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** In 1992 logical boundaries were drawn around LAMIRDs to comply with GMA requirements. Subsequent rulings from the Western Washington Growth Management Hearings Board established a literal interpretation of "existing" that prohibited the changing of business types within LAMIRDs. This bill will allow business types within LAMIRDs to change. This bill will encourage rural economic development and redevelopment. This bill should be amended to restore "existing" as a criterion for LAMIRD provisions, a modification agreed to by the GMA working group. Other modifications to the bill are being discussed by the GMA working group. The LAMIRDs change, serve the rural area, and are very important to the economy.

**Testimony Against:** This bill is not a product of the GMA working group, as some participants of the working group have not approved its language. Concerns about specific provisions within the bill remain.

**Persons Testifying:** (In support) Eric Johnson, Lewis County; Scott Merriman, Washington Association of Counties; Bryan Wahl, Washington State Association of Realtors, and Darcie Nielsen, San Juan County.

(Opposed) Genesee Adkins, 1000 Friends of Washington.

**Persons Signed In To Testify But Not Testifying:** Sharon Wylie, Clark County; and John Evans, San Juan County Commissioner.